

January 4, 2021

ATTN: Jocelyn Boyd, Chief Clerk  
The Public Service Commission of SC  
101 Executive Center Dr., Suite 100  
Columbia, South Carolina 29210

Via Overnight Mail and Electronic Filing

**RE: In the Matter of Petition of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support**

Dear Executive Secretary:

Starlink Services, LLC includes herewith four copies of its Application for Designation as an Eligible Telecommunications Carrier ("ETC") in the service area identified in the attached. Courtesy copies are also being emailed to [jnelson@ors.sc.gov](mailto:jnelson@ors.sc.gov) and [clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov).

Please acknowledge receipt of this filing. Should you have any questions regarding the contents of the application, please do not hesitate to contact the undersigned.

Respectfully Submitted,

/s/ R. Edward Price  
R. Edward Price  
Senior Counsel  
SPACE EXPLORATION TECHNOLOGIES CORP.  
PARENT COMPANY OF STARLINK SERVICES, LLC  
1155 F. Street, NW  
Washington, D.C. 20004  
[Ted.Price@spacex.com](mailto:Ted.Price@spacex.com)  
(585) 455-6672

**BEFORE THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

In the Matter of the Application of )  
 Starlink Services, LLC for Designation )  
 as an Eligible Telecommunications Carrier )  
 for Purposes of Receiving Rural Digital )  
 Opportunities Fund Support )

Docket No. \_\_\_\_\_

**APPLICATION OF STARLINK SERVICES, LLC FOR  
 DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER FOR  
 PURPOSES OF RECEIVING RURAL DIGITAL OPPORTUNITIES FUND SUPPORT;  
 REQUEST FOR EXPEDITED CONSIDERATION**

Space Exploration Technologies Corp. (“SpaceX”) was selected by the Federal Communications Commission (“FCC” or “Commission”) as a winning bidder in the Rural Digital Opportunity Fund (“RDOF”) auction to provide satellite broadband and Voice-over-IP (“VoIP”) service in the census blocks noted on Exhibit 1 in South Carolina (the “Service Area”). On December 22, 2020, pursuant to the procedures developed by the FCC, SpaceX assigned its winning bids to its wholly-owned subsidiary Starlink Services, LLC (“Starlink Services”). In accordance with RDOF requirements, Starlink Services submits this application (the “Application”) seeking designation as an Eligible Telecommunications Carrier (“ETC”) for the Service Area. This request is made pursuant to Section 214(e)(2) of the Communications Act of 1934<sup>1</sup>, and Section 54.201 of the FCC’s rules.<sup>2</sup> Starlink Services’ receipt of RDOF support is contingent on Starlink Services receiving an ETC designation from the South Carolina Public Service Commission (“PSC”) by June 7, 2021. Given the FCC’s deadline for ETC designation, Starlink Services requests expedited consideration of this Application.

<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. § 54.201.

Starlink Services is pleased that SpaceX was selected to receive \$6,163,912 through RDOF over ten years to improve high-speed broadband and voice services within the Service Area.<sup>3</sup> As demonstrated herein, Starlink Services meets the requirements for ETC designation and such designation will serve the public interest.

# **I. BACKGROUND ON SPACEX AND STARLINK SERVICES.**

SpaceX is a private American company founded in 2002 by Elon Musk to revolutionize space technologies. SpaceX is incorporated in Delaware, with its principal office located at 1 Rocket Road, Hawthorne, California 90250. Starlink Services is a wholly-owned subsidiary of SpaceX, formed in Delaware, with its principal office located at 1 Rocket Road, Hawthorne, California 90250. SpaceX designs, manufactures, and launches the world's most advanced rockets, spacecraft, and satellites, and now offers broadband service over the world's largest satellite constellation. SpaceX has over 8,000 employees in the United States, based at the Company's headquarters in Hawthorne, California, and at facilities across the country. Starlink Services will rely on the significant managerial and technical expertise of SpaceX in delivering service to consumers. Starlink Services is properly registered to do business in the state of South Carolina and is filing a VoIP registration concurrently with this Application.

SpaceX is leveraging its proven track record of rapid innovation and experience building rockets and spacecraft to deploy Starlink, a space-based broadband internet system capable of providing truly low-latency, high-throughput service in even the most remote areas of the country. This service is ideal for bringing broadband and VoIP to underserved rural areas in the

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<sup>3</sup> See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, DA 20-1422 (Dec. 7, 2020) ("RDOF Winning Bidder PN"). Excerpts relevant to the instant application are included at Exhibit 2.

United States. Since the grant of its FCC satellite authorization in 2018, SpaceX has successfully deployed the largest satellite constellation in history and demonstrated its ability to deliver high-quality internet to thousands of users. This kind of swift execution, engineering excellence, and rapid innovation is foundational to SpaceX and is one of SpaceX's core competencies.

The FCC authorized SpaceX in 2018 to deploy and operate Starlink, a revolutionary constellation of more than 4,400 Non-Geostationary Orbit ("NGSO") satellites in low Earth orbit ("LEO"). The FCC based its decision on the ability of SpaceX "to bring high-speed, reliable, and affordable broadband service to consumers in the United States and around the world, including areas underserved or currently unserved by existing networks."<sup>4</sup> FCC Chairman Pai further explained that the Commission moved quickly to license systems such as SpaceX's network because it can "deliver fast, low-latency broadband services to millions in the United States and around the world."<sup>5</sup> Starlink Services wholeheartedly agrees with Chairman Pai that Starlink "meshes well with the FCC's twin goals of closing the digital divide and promoting innovation."<sup>6</sup>

Starlink Services and SpaceX are bringing to bear SpaceX's successful history of design innovation, manufacturing capability, and ability to operationalize complex space and ground systems<sup>7</sup> in order to create a U.S.-based manufacturing capability for Starlink satellites, customer

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<sup>4</sup> *In re Space Exploration Holdings, LLC Application for Approval of Orbital Deployment and Operating Authority for the SpaceX NGSO Satellite System*, Memorandum Opinion, Order and Authorization, 33 FCC Rcd 3391, para. 1 (2018).

<sup>5</sup> Remarks of FCC Chairman Ajit Pai, U.S. Chamber of Commerce Policy Roundtable on Small Satellite Integration (July 9, 2019).

<sup>6</sup> *Id.*

<sup>7</sup> The success of Starlink is built on a deep history of technical innovation and engineering know-how at SpaceX. Since its inception, SpaceX has leveraged American innovation, technical savvy, and its integrated, iterative culture to solve the most ambitious challenges in launch and spacecraft design. SpaceX has demonstrated

premises equipment, and ground station antennas. The result is the creation of a comprehensive ground network that currently communicates with over 900 Starlink satellites deployed, enabling SpaceX to commence beta service with thousands of users across multiple states and in some international locations. Starlink's technical maturity and inherent capacity to support high-throughput, low-latency broadband service to underserved communities in even the most remote and rural areas of the United States promises to materially contribute to closing the digital divide. SpaceX and Starlink Services are proud to be able to contribute to the United States in this manner.

With more than 900 satellites deployed, SpaceX has launched sufficient satellites in volume to provide continuous coverage to large parts of the United States and is expanding the size of its constellation rapidly to provide coverage over the entire country. SpaceX has already deployed ground equipment to support initial broadband operations in desired locations. SpaceX is currently offering select users beta consumer-grade broadband service in Washington, Montana, Minnesota, Oregon, Michigan, Idaho, Wisconsin, Maine, and North Dakota. Currently, Starlink beta users are selected to validate technical, operational, and business system readiness ahead of a broader public beta service roll-out.

## **II. SPACEX'S PARTICIPATION IN THE RURAL DIGITAL OPPORTUNITY FUND AND ASSIGNMENT OF WINNING BIDS TO STARLINK SERVICES.**

On January 30, 2020, the FCC established RDOF to ensure continued and rapid deployment of broadband networks to underserved Americans. RDOF will commit up to \$20.4

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unmatched speed-to-market and it has delivered on its promises of next-generation satellite broadband. Through SpaceX's Falcon family of launch vehicles, it has successfully launched 107 times and is relied upon by the Department of Defense and the National Aeronautics and Space Administration for their critical launch needs. The world's leading commercial satellite manufacturers and operators also rely on SpaceX for launch of their satellites.

billion over ten years to support the availability of high-speed broadband networks in rural America. RDOF Phase 1 targeted areas wholly unserved by 25/3 Mbps broadband. Support was awarded through a reverse auction that favored faster services with lower latency. Auction participants submitted bids based on a combination of performance and latency requirements. The Phase 1 auction concluded on November 25, 2020 and awarded a total of \$9.23 billion in support over ten years. SpaceX was awarded \$885 million of this support to provide broadband and standalone voice services in 35 states, including \$6,163,912 in South Carolina.<sup>8</sup> On December 22, pursuant to the processes established by the FCC, SpaceX assigned its winning bids to Starlink Services.

In addition to receiving an ETC designation from each relevant state authority (or from the FCC if the state disclaims jurisdiction) by June 7, 2021,<sup>9</sup> all RDOF winning bidders are required to commercially offer voice and broadband service consistent with certain milestones and speed and latency requirements. RDOF recipients must offer service to 40% of the awarded locations statewide by the end of the third full calendar year following funding authorization, and 20% each year thereafter, resulting in 100% deployment to funded locations by the end of the sixth calendar year.<sup>10</sup>

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<sup>8</sup> See *RDOF Winning Bidder PN*.

<sup>9</sup> *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, 35 FCC Rcd 6077, para. 81 (June 9, 2020) ("*RDOF Auction Procedures PN*"); *RDOF Winning Bidder PN* para. 36.

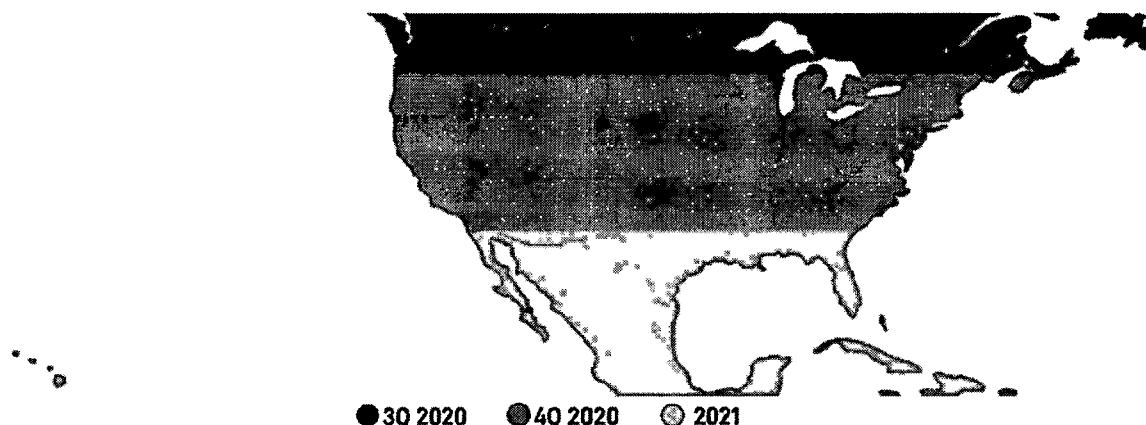
<sup>10</sup> *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 696, para. 45 (2020) ("*Rural Digital Opportunity Fund Order*").

### **III. STARLINK SERVICES NETWORK ARCHITECTURE.**

A dramatic revolution in cost-effective, reusable launch services—a capability SpaceX has developed and maintains in-house—has enabled SpaceX to deploy a space-based system at the scale necessary to match the capabilities of terrestrial broadband providers, meeting current demand with high throughput and low-latency broadband that can address the full range of internet use cases, particularly for underserved areas.

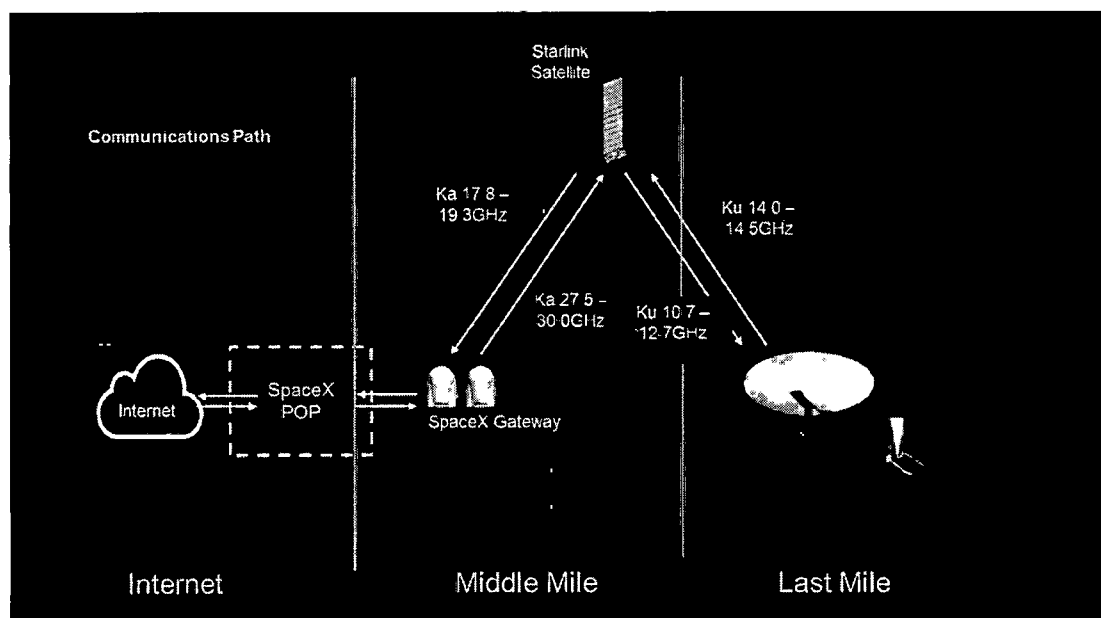
As noted above, SpaceX provides internet services via its NGSO constellation of satellites that operate in LEO. To date, SpaceX has conducted 16 Starlink launches deploying more than 900 satellites. SpaceX can comfortably rely on its current authorization from the Commission to operate its NGSO constellation consisting of 4,408 satellites, which provides broadband service using Ku- and Ka-band spectrum. As depicted below, SpaceX has launched a sufficient number of satellites to provide uninterrupted coverage to the northern United States. SpaceX has sufficient parts on hand and launches on manifest to deploy the remaining satellites needed for uninterrupted coverage over the majority of the United States in the coming months. SpaceX aims to achieve total coverage of the contiguous United States and Hawaii in 2021. Starlink Services will leverage these achievements, the Starlink constellation, and associated ground equipment to provide service to end users.

Figure 1 - Starlink Coverage Map



Starlink Services will use Starlink satellites to provide Internet Protocol (“IP”) connectivity between customer premises equipment (over its licensed Ku-band spectrum) and its gateways (over its licensed Ka-band spectrum). Aggregate consumer data travels via terrestrial fiber from regional gateway sites to internet Points of Presence (“PoPs”) where traffic enters into the internet. The diagram below summarizes these components of the network.

Figure 2 - Starlink Network Architecture





Unlike traditional satellite broadband services, SpaceX designed every component of its network—the gateway antennas, the customer premises equipment, the software, and even the satellites themselves—for upgradability and scalability. The Starlink constellation leverages proven beam-forming and beam-steering capabilities to direct Ku-band beams to specific ground locations in targeted geographic areas called “cells.” Because the satellite’s beam covers a much smaller geographic footprint than traditional satellite internet services, Starlink Services can allocate and manage capacity and throughput characteristics to a defined group of consumers in a more precise manner. Starlink Services’ ability to closely manage traffic resembles a terrestrial-deployed network.

Starlink Services’ network architecture has no significant variations by state, region, or other criteria where it has gateway sites and PoPs already in place, beyond standard regional configurations for standalone voice services such as localized phone numbers and emergency service integrations. Starlink Services may also offer different language support dependent on the region served. SpaceX has also applied to the FCC to deploy a next-generation system that will meet future surges in broadband demand, which will similarly be available for Starlink Services’ use.

#### **IV. STARLINK SERVICES MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION.**

Starlink Services meets all applicable federal and state requirements for designation as an ETC, including 47 U.S.C. §214(e), 47 C.F.R. § 54.201, *et seq.*, and S.C. Code of Regs. § 103-690.

**a. Starlink Services' ETC Service Area.**

Starlink Services requests ETC designation for the Service Area, which is encompassed by the census blocks for which it has been provisionally awarded RDOF support, as identified in Exhibit 1.

**b. Starlink Services Meets All Federal Requirements for ETC Designation.**

**i. Starlink Services Will Offer Supported Services, on a Common Carrier Basis, Throughout the Proposed Service Area.**

For purposes of this designation, Starlink Services will provide broadband internet access service and standalone voice service to the public throughout the Service Area on a common carrier basis. Starlink Services is a common carrier for purposes of 47 U.S.C. § 214(e)(1) and 47 C.F.R. § 54.201(d).

**ii. Starlink Services Will Offer Supported Services Using Its Own Facilities.**

Pursuant to 47 C.F.R. § 54.201(d)(1), Starlink Services will satisfy the requirement for offering the services supported by RDOF throughout the Service Area using a combination of owned and leased facilities. As described above, SpaceX is a facilities-based satellite provider with its own fleet of satellites, earth stations, gateways, switching facilities, and other associated facilities and, therefore, Starlink Services will offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's service.

**iii. Starlink Services Will Offer Voice Telephony Service.**

Pursuant to 47 C.F.R. § 54.101(a)(1) and (b), Starlink Services will provide voice telephony services, including: (a) voice-grade access to the public switched telephone network ("PSTN") or its functional equivalent; (b) minutes of use for local service provided at no additional charge to end users; (c) access to emergency services; and (d) toll limitation services

to qualifying low-income consumers in accordance with 47 C.F.R. §§ 54.500, *et seq.* Starlink Services will offer voice services on a standalone basis at rates that are reasonably comparable to urban rates.

*1. Starlink Services Will Provide Voice-Grade Access to the Public Switched Telephone Network.*

Pursuant to 47 C.F.R. § 54.101(a), Starlink Services will provide voice-grade access to the PSTN by providing interconnected VoIP. Starlink Services is exploring avenues for the provision of voice services consistent with the requirements and goals of RDOF, including using a white-label managed service provider (“MSP”) voice platform that Starlink Services has certified to meet quality and performance standards exceeding those required by RDOF. In this baseline plan, Starlink Services would provide telephone services connecting consumers to its MSP’s platform using its network capacity, which is available to consumers through their customer premises equipment. Consumers will have the option of using a third-party, conventional phone connected to a Session Initiation Protocol (“SIP”) standards-compliant analog terminal adaptor or a native-IP Phone selected from a list of certified models.

The MSP solution represents Starlink Services’ baseline plan for a standalone voice service offering. Starlink Services continues to assess integrating alternative standalone voice applications into the Starlink network, including other third-party providers, or possibly developing its own proprietary solution. Starlink Services may adopt such approaches in the event that further testing demonstrates alternative solutions would provide a superior experience to the end customer, or if Starlink Services determines the end user would benefit from the existence of multiple voice solutions to introduce competition and redundancy into the supply chain – all while fully complying with RDOF and ETC requirements.

The FCC, in its *USF/ICC Transformation Order*, made clear that eligible voice telephony services under Section 54.101(a) include the provision of voice service “over any platform, including the PSTN and IP networks.”<sup>11</sup> The FCC further has explained that “a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or by offering a managed voice solution (including VoIP) through a third-party vendor.”<sup>12</sup> Starlink Services will provide interconnected VoIP throughout the Service Area, sufficient for voice-grade access to the PSTN pursuant to Section 54.101(a).

## 2. *Starlink Services Will Provide Local Usage at No Additional Charge.*

As part of the voice-grade access to the PSTN, an ETC must provide minutes of local service at no additional charge to end-users. The FCC has not specified a minimum amount of local usage that an ETC must offer. Starlink Services will offer voice rate plans in the Service Area that include local calling at no additional charge and will comply with any and all minimum local usage requirements adopted by the FCC or states with jurisdiction over Starlink Services’ standalone voice service.

## 3. *Starlink Services Will Provide Access to Emergency Services.*

ETCs are required to provide access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an ETC’s service area has implemented 911 or enhanced 911 systems.

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<sup>11</sup> *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 17663, 17685, para. 78 (2011) (“*USF/ICC Transformation Order*”).

<sup>12</sup> See *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, WC Docket Nos. 09-197, 10-90, Public Notice, DA 18-714, at 3-4 (rel. July 10, 2018) (“*FCC ETC Procedures Notice*”).

Starlink Services will satisfy this requirement by providing 911 and E911 for all of its customers, to the extent the local governments in its Service Area have implemented 911 and E911.

*4. Starlink Services Will Offer Toll Limitation Services for Qualifying Low-Income Consumers.*

In its *Lifeline and Link Up Reform Order*, the FCC explained that toll limitation would no longer be deemed a supported service as of 2014.<sup>13</sup> Accordingly, Starlink Services will not seek reimbursement for toll limitation services. Starlink Services currently has no Lifeline customers because only carriers designated as an ETC can participate in the Lifeline program. Once designated as an ETC, however, Starlink Services will participate in Lifeline, as required by the FCC's rules, and will provide toll blocking service in accordance with 47 C.F.R. §§ 54.500, *et seq.*

iv. Starlink Services Will Offer Broadband Internet Access Services.

Pursuant to 47 C.F.R. § 54.101(a)(2), Starlink Services will offer broadband internet access service with the capability to transmit data to, and receive data by wire or radio from, all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Starlink Services will offer broadband at rates that are reasonably comparable to rates offered in urban areas.

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<sup>13</sup> *In the Matter of Lifeline and Link Up Reform and Modernization, et. al.*, WC Docket No. 11-42, Report and Order, FCC 12-11, para. 229 (Feb. 6, 2012).

v. Starlink Services Will Provide Lifeline to Qualified Low-Income Consumers.

As required by 47 C.F.R. § 54.405, Starlink Services will provide Lifeline to qualifying low-income consumers and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.

vi. Starlink Services Will Advertise the Availability of Supported Services.

Pursuant to 47 U.S.C. § 214(e)(2) and 47 C.F.R. § 54.201(d), Starlink Services will advertise the availability and rates of each of the supported services detailed above and the availability of Lifeline benefits throughout its ETC Service Area by media of general distribution.

vii. Starlink Services Will Comply with the Service and Performance Requirements Applicable to the Support It Receives.

Pursuant to 47 C.F.R. § 54.202(a)(1)(i), Starlink Services will comply with the service and performance requirements applicable to the support that it receives, including the performance requirements and deployment milestones associated with RDOF support.<sup>14</sup> Further, Starlink Services will comply with all applicable state and federal consumer protection and service quality standards associated with the receipt of RDOF support.

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<sup>14</sup> Starlink Services notes that the FCC has waived the requirements to: (1) submit a five-year plan per 47 C.F.R. § 54.202(a)(1)(ii); and (2) demonstrate that it will satisfy applicable consumer protection and service quality standards per 47 C.F.R. § 54.202(a)(3). The FCC waived these requirements because “the Commission adopted more specific measures to track deployment, including annual reporting of service to geocoded locations and certification of compliance with benchmark milestones” and “such obligations were no longer essential to the Commission’s ability to monitor ETC use of support for its intended purpose.” *FCC ETC Procedures Notice 4-5*. To the extent necessary, Starlink Services requests a waiver of state requirements based on these waived FCC requirements.

viii. Starlink Services Will Remain Functional in Emergency Situations.

Pursuant to 47 C.F.R. § 54.202(a)(2), Starlink Services will have sufficient back-up power to remain functional without an external power source in emergency situations, will be able to reroute traffic around damaged facilities, and will be able to manage traffic spikes resulting from emergency situations. At the user level, Starlink Services will offer a 24-hour battery back-up option for user equipment that will provide the ability to make phone calls in the event of a power outage. At the system level, Starlink Services is building redundancy into the network. For example, every user will have multiple satellites in view with which it can communicate. Additionally, every satellite will have multiple gateway sites in view with which it can communicate. The Starlink traffic routing system ensures that every user is served with bandwidth before users demanding more bandwidth get additional throughput assigned, which gives the Starlink network robustness in the event of emergencies requiring high throughput.

ix. Starlink Services Is Not Subject to a Denial of Federal Benefits under the Anti-Drug Abuse Act of 1988.

Pursuant to 47 C.F.R. § 1.2002, Starlink Services is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in the Commission's rules.

**c. Starlink Services Meets All State Requirements for ETC Designation.**

To the extent not already described above, Starlink Services also satisfies the requirements of S.C. Code Ann. Regs. § 103-690.<sup>15</sup> Starlink Services provides a map of the

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<sup>15</sup> S.C. Code Ann. Regs. § 103-690.

Service Area at Exhibit 3. The FCC has calculated that the Service Area includes 12,478 locations.

i. Starlink Services Will Provide Service Throughout the Service Area on a Timely Basis.

Starlink Services will provide service throughout the Service Area consistent with the deployment milestones adopted by the FCC for RDOF recipients. Specifically, Starlink Services will commercially offer voice and broadband service consistent with the speed and latency requirements of its winning bids to 40% of the number of awarded locations statewide by the end of the third full calendar year following funding authorization, and 20% each year thereafter, resulting in 100% deployment to funded locations by the end of the sixth calendar year.<sup>16</sup> Consistent with the FCC's rules governing RDOF, once a milestone has been met, Starlink Services will provide voice and/or broadband service to the requisite number locations, or will be able to provide such service within 10 business days upon request.<sup>17</sup>

ii. Two-Year Plan.

Consistent with FCC treatment of ETCs designated for RDOF purposes, Starlink Services requests a waiver of the requirement of Chapter 206 of the PUC's rules to submit a substantive investment plan.<sup>18</sup> Starlink Services notes that the FCC has waived the requirement to submit a five-year investment plan per 47 C.F.R. § 54.202(a)(1)(ii) for RDOF support recipients because "the Commission adopted more specific measures to track deployment, including annual reporting of service to geocoded locations and certification of compliance with benchmark

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<sup>16</sup> See *Rural Digital Opportunity Fund Order* para. 45.

<sup>17</sup> See *id.* at para. 54 ("We conclude that a support recipient will be deemed to be commercially offering voice and/or broadband service to a location if it provides service to the location or could provide it within 10 business days upon request.").

<sup>18</sup> See *FCC ETC Procedures Notice* 4-5.



milestones” and “such obligations were no longer essential to the Commission’s ability to monitor ETC use of support for its intended purpose.”<sup>19</sup> As recognized by the FCC, Starlink Services is subject to strict deployment, performance and other compliance obligations at the FCC that are sufficient to ensure that Starlink Services deploys RDOF-supported service in a timely manner and that RDOF support is used only for its intended purpose.<sup>20</sup>

iii. Certifications.

The required certifications and affidavit are included in Exhibit 4.

V. **DESIGNATING STARLINK SERVICES AS AN ETC IS IN THE PUBLIC INTEREST.**

Expedited designation of Starlink Services as an ETC in the Service Area in South Carolina will serve the public interest by ensuring that the Company is eligible to receive federal USF support, including the RDOF support it won through the auction, and to expand broadband coverage in and throughout the Service Area in South Carolina. As described above, Starlink Services has been provisionally awarded \$885 million in federal support over ten years in 35 states. In South Carolina, Starlink Services has been provisionally awarded \$6,163,912, which will directly benefit the citizens in the Service Area. The FCC has determined that the voice and broadband services Starlink Services will deploy through RDOF support will advance the goal of RDOF to “ensure continued and rapid deployment of broadband networks to unserved Americans.”<sup>21</sup> RDOF support will allow Starlink Services to accelerate service for those who need it most and prioritize deployment to the underserved in the Service Area.

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<sup>19</sup> *Id.*

<sup>20</sup> *Rural Digital Opportunity Fund Order* paras. 35-45.

<sup>21</sup> *RDOF Auction Procedures PN* para. 5.

Specifically, ETC designation will benefit users in South Carolina by enabling Starlink Services to utilize RDOF support to take the following actions:

*Accelerate production of satellites and customer premises equipment.* RDOF support will allow Starlink Services to accelerate production of its satellites and customer premises equipment. This additional production will result in an acceleration of capacity deployment and more terminals at lower costs for those living in underserved areas.

*Targeted gateway deployment.* Starlink Services is already deploying an extensive gateway infrastructure network designed to allow service in major markets across the country. Yet, the same market forces that drive the placement of these gateways also drive the deployment of purely terrestrial networks. With RDOF support, Starlink Services will be able to activate gateway sites in thinly populated areas of the country where their use could not otherwise be justified. This support would mean faster deployment and better service for people in otherwise underserved areas.

*Dynamic allocation of capacity.* RDOF support will allow Starlink Services to allocate dynamically deployable capacity to the underserved areas that need it most. Under the terms of the RDOF program, Starlink Services will hold back a portion of its system capacity that could otherwise be sold to locations outside of the RDOF program, so that high-quality internet service can be provisioned to supported locations in the Service Area that do not currently have access to 25/3 Mbps broadband service within ten days of receipt of any order.

## **VI. CONCLUSION.**

In conclusion, as described above, Starlink Services satisfies all state and federal requirements for ETC designation in the Service Area. Furthermore, designating Starlink Services as an ETC for purposes of receiving RDOF support is in the public interest because it will enable Starlink Services to receive support that will facilitate rapid deployment of broadband and VoIP service to the Service Area in South Carolina at speeds and latency comparable to terrestrial systems in urban locations. Starlink Services respectfully requests that the PSC grant this ETC Application by June 7, 2021.

## **VII. NOTICES.**

Pleadings, orders, notices, or other correspondence and communications regarding this Application should be provided to:

R. Edward Price  
Senior Counsel  
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With a copy to:

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Respectfully submitted,

**STARLINK SERVICES, LLC**

By: /s/ R. Edward Price

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January 4, 2021

**Exhibit 1**

Service Area

**Proposed ETC Service Area (Census Blocks)**

450019501003016	450070108002054	450130001002046	450130005031014	450130011021063
450019505002007	450070109001034	450130001002047	450130005031029	450130011021065
450019505002033	450070109001067	450130001002054	450130005033028	450130011023002
450030205001029	450070109002019	450130001002056	450130005033033	450130011023003
450030205001041	450070110011019	450130001002060	450130005033034	450130011023006
450030205002029	450070110012012	450130001002063	450130005033073	450130011023009
450030206021010	450070112011008	450130001002065	450130005033090	450130011023018
450030207011012	450070113003007	450130001002071	450130006001065	450130011023020
450030207012005	450070113003008	450130001002080	450130006001067	450130011023021
450030207012079	450070113003024	450130001002083	450130006001090	450130011023052
450030207013034	450070113003025	450130001002087	450130006002044	450130011023053
450030207021020	450070113003027	450130001002090	450130008001009	450130011023055
450030207022004	450070113003033	450130001003031	450130009011044	450130011023068
450030207023022	450070115002018	450130001003039	450130009011058	450130012001016
450030207024014	450070116001013	450130001003044	450130009021005	450130012001020
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**Exhibit 2**

RDOF Winning Bidder Public Notice



# PUBLIC NOTICE

Federal Communications Commission  
45 L Street, NE  
Washington, DC 20554

News Media Information: 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)  
TTY: 888-835-5322

DA 20-1422  
December 7, 2020

## RURAL DIGITAL OPPORTUNITY FUND PHASE I AUCTION (AUCTION 904) CLOSES

### WINNING BIDDERS ANNOUNCED

FCC FORM 683 DUE JANUARY 29, 2021

AU Docket No. 20-34  
WC Docket 19-126  
WC Docket No. 10-90

1. By this Public Notice, the Rural Broadband Auctions Task Force, Office of Economics and Analytics (OEA), and Wireline Competition Bureau (WCB) announce that bidding in the Rural Digital Opportunity Fund Phase I auction (Auction 904) concluded on November 25, 2020. There were 180 winning bidders in the auction, with the 10-year support amount totaling \$9.23 billion and covering 5,220,833 locations in 49 states and one territory. Of the 5,295,771 locations in the 61,766 eligible census block groups, approximately 99% of the locations are covered by winning bids. While winning bids are for a range of performance tiers, winning bids for downstream speeds of at least 100 megabits per second (Mbps) cover 99.7% of these locations, with over 85% of locations covered by winning bids for Gigabit speed service.

2. Winning bidders are required to submit a post-auction application for support (FCC Form 683) no later than **January 29, 2021**. Winning bidders that wish to assign some or all of their winning bids to related entities must do so by **December 22, 2020**, using the Divide Winning Bids process described below.

### I. WINNING BIDDERS

3. This Public Notice summarizes the results of the auction and provides winning bidders with important information, including FCC Form 683 filing requirements and support disbursement matters. Key information appears in the following attachments:

**Attachment A:** "Winning Bidders Summary" lists for each bidder: the state, the 10-year assigned support amount, and the number of locations assigned in winning bids.

**Attachment B:** "State Results Summary" lists for each state with eligible areas in Auction 904: the total 10-year assigned support, the number of locations assigned, and the number of bidders with winning bids.

**Attachment C:** "FCC Form 683: Application for Rural Digital Opportunity Fund Phase I Support – Instructions."

4. A copy of this Public Notice will be sent to each qualified bidder via overnight delivery to the contact person at the contact address listed in each qualified bidder's short-form application (FCC Form 183).

## II. AUCTION RESULTS

5. Concurrent with the release of this Public Notice, the Commission is making available the detailed auction results and bidding information described below.

**Online Map:** An interactive visual representation of the auction results is available on the Auction 904 web page ([www.fcc.gov/auction/904](http://www.fcc.gov/auction/904)). On the interactive map available at this webpage, there are options for displaying all eligible areas and non-winning bids. Clicking on a state or winning bid listed on the right-hand side of the map will zoom the map to that area.

**Results Data:** An online viewer of results data and downloadable files that include the identities of bidders and all their submitted bids are now available in the FCC Auctions Public Reporting System ([auctiondata.fcc.gov](http://auctiondata.fcc.gov)), for which there is a link on the Results tab on the Auction 904 web page ([www.fcc.gov/auction/904](http://www.fcc.gov/auction/904)).<sup>1</sup>

6. Additionally, the Commission will soon make available certain, previously withheld information submitted in the applications to participate in the auction (FCC Forms 183). This information includes the state(s) and performance tier and latency combination(s) for which each applicant was found to be eligible.<sup>2</sup> The applications are viewable through the application search feature, which can be accessed through the Application Search tab on the Auction 904 web page.

## III. POST-AUCTION PROCEDURES

7. Under the competitive bidding rules adopted in the *Rural Digital Opportunity Fund Order*, Auction 904 winning bidders must file a post-auction application for support, also referred to as FCC Form 683, consistent with all requirements of the long-form application process.<sup>3</sup> FCC Form 683 has two discrete parts—the Divide Winning Bids portion and the long-form application portion. Each winning bidder is required to file an FCC Form 683 to become authorized to receive support. Prior to completing the long-form application portion, a winning bidder may divide its winning bids by assigning them to related entities, as described below.<sup>4</sup> If a winning bidder assigns its winning bids to related

<sup>1</sup> Because bids in Auction 904 implied annual support amounts, the bids and results data in the FCC Auctions Public Reporting System are on an annual basis, in contrast to the 10-year total support amounts reported in Attachments A and B.

<sup>2</sup> We will continue to withhold from routine public inspection responses to the technical questions in Appendix A of the *Auction 904 Procedures Public Notice* and any supporting information; financial information for which confidential treatment was requested under the section 0.459(a)(4) abbreviated confidential treatment process; and any other information subject to a request for confidential treatment that has been granted or remains pending. See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34 et al., Public Notice, 35 FCC Rcd 6077, 6129-30, para. 141 (2020) (*Auction 904 Procedures Public Notice*). Further, to prevent possible public dissemination of information related to bids or bidding strategies in Auction 107—an auction for flexible-use service licenses in the 3.7 GHz Band in which bidding is scheduled to commence on December 8—the data fields in which applicants identified specific spectrum bands that they proposed to use and spectrum access attachments will continue to be withheld from routine public inspection until the prohibition of certain communications in Auction 107 concludes. See 47 CFR 1.2105 (c); *Auction of Flexible-Use Service Licenses in the 3.7–3.98 GHz Band for Next-Generation Wireless Services; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 107; Bidding in Auction 107 Scheduled to Begin December 8, 2020*, AU Docket No. 20-25, Public Notice, 35 FCC Rcd 8404, 8418, para. 44 (2020).

<sup>3</sup> 47 CFR § 1.21004; *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 696, para. 22 (2020) (*Rural Digital Opportunity Fund Order*).

<sup>4</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6164-65, paras. 288-93.

entities, those entities will be required to file the long-form application portion of an FCC Form 683 for those winning bids, as described below. A winning bidder will be responsible for completing the long-form application portion of FCC Form 683 for any winning bids that it does not assign to a related entity.

8. **Winning bidders that intend to file a long-form application covering all their winning bids are not required to participate in the Divide Winning Bids process.** Any winning bidder that does not submit the Divide Winning Bids portion of FCC Form 683 prior to 6:00 p.m. ET on December 22, 2020, must file a long-form application that covers *all* its winning bids. In such circumstances, the winning bidder must file the long-form application in its own name, be designated as the eligible telecommunications carrier (ETC) to serve the relevant areas, be named in the requisite letter(s) of credit, and fulfill the public interest obligations associated with receiving Rural Digital Opportunity Fund Phase I support.<sup>5</sup>

**A. Divide Winning Bids Portion of FCC Form 683**

9. Any winning bidder that intends to assign some or all its winning bids to related entities must do so by submitting the Divide Winning Bids portion of the FCC Form 683 during the Divide Winning Bids filing window. **The Divide Winning Bids filing window will open at 10:00 a.m. Eastern Time (ET) on Wednesday, December 9, 2020, and close at 6:00 p.m. ET on Tuesday, December 22, 2020.** During this period, a winning bidder will be able to log into the Auction Application System using the FCC Registration Number (FRN) that it used to file its short-form application and complete the Divide Winning Bids portion of FCC Form 683. The instructions in Attachment C explain how a winning bidder can assign its winning bids to related entities.

10. A winning bidder may only assign its winning bids to a related entity that is named in its short-form application or that was formed after the short-form application deadline (i.e., July 15, 2020).<sup>6</sup> The Auction Application System will not permit a winning bidder to assign its winning bids to another winning bidder. A related entity is an entity that is controlled by the winning bidder or is a member of (or an entity controlled by a member of) a consortium/joint venture of which the winning bidder is a member.<sup>7</sup> Thus, if a holding company/parent company is a winning bidder in Auction 904, the winning bidder may designate one or more operating companies that it controls to complete the long-form application to receive Rural Digital Opportunity Fund support for some or all of the winning bids in a state. If a consortium/joint venture is a winning bidder in Auction 904, the entity may designate one or more members (or entities controlled by members of) the consortium/joint venture to complete the long-form application to Rural Digital Opportunity Fund support for some or all of the winning bids in a state.

11. A winning bidder may assign winning bids to more than one entity in a single state, but it cannot assign a single winning bid to more than one entity.<sup>8</sup> Thus, a winning bidder may not split among multiple entities either: 1) eligible census blocks within a winning bid for an individual census block group, or 2) separate census block groups within a winning package bid.<sup>9</sup>

<sup>5</sup> Subject to the limited exception described below for multiple operating companies operating in a state.

<sup>6</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 291.

<sup>7</sup> *Id.* at 6164, para. 289.

<sup>8</sup> *Id.* at 6164, para. 290.

<sup>9</sup> For example, assume a winning bidder has three winning bids—package bid A, package bid B, and single bid (i.e., one census block group) C. The winning bidder could assign package bid A to one related entity, package bid B to another related entity, and single bid C to a third entity. The winning bidder could not assign some census block groups from package bid A to one related entity and then the remaining census block groups from package bid A to another entity. The entire package bid must be assigned to one related entity. Similarly, the winning bidder could not assign some eligible census blocks from single bid C to one entity and then the remaining eligible census blocks from single bid C to another related entity. The entire census block group covered by the single winning bid must be assigned to one related entity.

12. Each entity that is assigned a winning bid through the Divide Winning Bids process is the entity that must file the long-form application portion of FCC Form 683 in its own name. Except for one limited exception, that long-form applicant must be designated as the eligible telecommunications carrier to serve the relevant area(s), be named in the requisite letter(s) of credit, and fulfill the public interest obligations associated with receiving Rural Digital Opportunity Fund support.<sup>10</sup>

13. For administrative convenience, if a winning bidder is a holding/parent company that has multiple operating companies in a state and intends to assign its winning bids to multiple operating companies in a state, it may choose one of those entities to be the lead operating company.<sup>11</sup> In such circumstances, the winning bids should be assigned to that lead operating company, the long-form application should be filed in the name of the lead operating company, the letter of credit should be in the name of the lead operating company, and payments will be made to the study area code associated with the lead operating company. However, the long-form application must identify which operating companies will meet the public interest obligations for which census block groups and documentation must be submitted that demonstrates that each of the operating companies has an ETC designation covering the relevant census block groups. As decided in the *Rural Digital Opportunity Fund Order*, compliance with the service milestones will be determined on a statewide basis across all the relevant operating companies.<sup>12</sup>

14. A winning bidder that assigns some or all its winning bids to a related entity must make several certifications in the Divide Winning Bids portion of FCC Form 683. In particular, it must certify and acknowledge that it:

- has assigned the winning bids to related entities that were named in the short-form application or are newly formed,
- will inform each entity of its filing obligation and cause each entity to submit a timely FCC Form 683 long-form application,
- will be at risk for default if any of the related entities do not submit a timely FCC Form 683 long-form application, and
- will submit a timely FCC Form 683 long-form application for any of the winning bids that it did not assign to another entity.

**B. Obligation to Apply for Support – Long-Form Application Portion of FCC Form 683**

15. A winning bidder that retains any of its bids, as well as all entities that are assigned winning bids by a winning bidder, must electronically submit the long-form application portion of FCC Form 683 covering those bids prior to the close of the long-form application filing window. **The long-form application filing window will open at 10:00 a.m. ET on Thursday, January 14, 2021, and will close at 6:00 p.m. ET on Friday, January 29, 2021.** Certain additional information may be submitted to the Commission after this filing window closes, as described below. **The Auction Application System will open a filing window at 10:00 a.m. ET on Thursday, January 14, 2021 to permit applicants to submit this additional information by the relevant deadlines.**

**1. Deadlines**

16. Attachment C of this Public Notice provides instructions for completing the long-form application portion of FCC Form 683. These instructions are consistent with the Commission's

<sup>10</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 291.

<sup>11</sup> *Id.* at 6165, para. 292.

<sup>12</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 712, para. 54.

requirements fully described in section 54.804(b) & (c) of the Commission's rules and paragraphs 286 to 322 of the *Auction 904 Procedures Public Notice*.<sup>13</sup> Below is a summary of the information that must be submitted by the applicable application deadlines:<sup>14</sup>

- **Information due prior to 6:00 p.m. ET on Friday, January 29, 2021:**
  - **Applicant information**, including legal classification (e.g., corporation, general partnership, etc.), jurisdiction of formation, address, contact information, and responsible individual
  - **Whether the applicant has already been designated as an eligible telecommunications carrier (ETC)** for all the eligible census blocks in a winning bid(s)<sup>15</sup>
    - If the applicant has already obtained a high-cost ETC designation that covers all the relevant areas in a state, it should submit the required ETC documentation and certification letter by this deadline so that Commission staff can expeditiously verify the applicant's ETC status in the state
    - If the applicant has obtained a high-cost ETC designation for only some of the relevant areas in a state, Commission staff will not verify the applicant's ETC status in a state until the applicant has submitted the required documentation and certification letter for *all* the relevant areas in the state
  - **Whether the applicant is required to submit audited financial statements** during the long-form application process and whether it seeks confidential treatment of those financial statements<sup>16</sup>
  - **Initial project overview(s)** describing at a high-level the applicant's intended technology and system design for each state with a winning bid.<sup>17</sup> An applicant should not include any confidential trade secrets or commercial information in its overview(s), which will be made publicly available.
  - **Project funding description(s)** that explains how necessary construction will be funded in each state<sup>18</sup>
  - **Spectrum access description(s)** demonstrating that the applicant has sufficient access to spectrum in each state, if applicable<sup>19</sup>

<sup>13</sup> 47 CFR § 54.804(b), (c); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6163-78, paras. 286-322; *see also Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 725-735, paras. 86-113.

<sup>14</sup> As discussed in Attachment C, certain applicant information may be automatically transferred from a winning bidder's short-form application (FCC Form 183) to its long-form application (FCC Form 683).

<sup>15</sup> By June 7, 2021, the long-form applicant must obtain from all the relevant states or the Commission a high-cost ETC designation(s) that cover its winning bid areas and upload the required documentation and a certification letter to its FCC Form 683. 47 CFR § 54.804(b)(5); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6176, para. 316; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 727-28, para. 92.

<sup>16</sup> As noted below, the audited financial statements are due by June 7, 2021. 47 CFR § 54.804(b)(4); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6177, para. 318; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 722, para. 80.

<sup>17</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6167, para. 302.

<sup>18</sup> 47 CFR § 54.804(b)(2)(vi); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6174-75, para. 312; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 727, para. 91.

<sup>19</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6175, paras. 313-14.

- **Agreement information**, including information regarding any agreements relating to the applicant's participation in Auction 904<sup>20</sup>
- **Ownership information**, including information regarding entities that have an ownership or other interest in the applicant and associated Commission-regulated businesses<sup>21</sup>
- **Various certifications**, including certifications regarding the applicant's compliance with statutory and regulatory requirements; financial and technical qualifications; available funds; compliance with the relevant public interest obligations and ETC requirements; and spectrum access, if applicable<sup>22</sup>

17. We adopt a deadline of 70 days from the release of this Public Notice for long-form applicants to submit letter of credit commitment letters, as well as detailed technology and system design descriptions.<sup>23</sup>

• **Information due prior to 6:00 p.m. ET on Monday, February 15, 2021:**

- **Letter of credit commitment letter(s)** for each applicable state from a qualified bank committing to issue an irrevocable stand-by letter of credit to the long-form applicant in the required form that covers the first year of support (at a minimum).<sup>24</sup> A long-form applicant with winning bids in multiple states may submit a single commitment letter that covers all of the relevant states as long as it is clear that the letter is applicable to the relevant states.
  - At a minimum, the letter must provide the dollar amount of the letter of credit and the issuing bank's agreement to follow the terms and conditions of the Commission's model letter of credit in Appendix C of the *Rural Digital Opportunity Fund Order*.<sup>25</sup>
  - The bank eligibility requirements are described in detail in paragraph 107 of the *Rural Digital Opportunity Fund Order* and section 54.804(c) of the Commission's rules.<sup>26</sup>
- **Detailed technology and system design description(s)** for the approved technology for each applicable state, including a network diagram certified by a professional engineer.
  - Paragraphs 301 to 311 of the Auction 904 Procedures Public Notice provide detailed guidance on how an applicant can successfully meet this requirement.<sup>27</sup>

<sup>20</sup> *Id.* at 6138, para. 173.

<sup>21</sup> 47 CFR §§ 1.2112(a), 54.804(b)(2)(i); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 295; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 726, para. 87.

<sup>22</sup> *See, e.g.*, 47 CFR § 54.804(b)(2)(ii), (iii), (v), (vii); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165-67, 6174-75, 6175-76, paras. 296-300, 312, 314.

<sup>23</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6167, 6176, paras. 303, 315 (stating that this information would be due "[w]ithin the specified number of days after the release of the Auction 904 closing public notice").

<sup>24</sup> 47 CFR § 54.804(b)(3), (c)(2); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6176, para. 315; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 732, para. 106.

<sup>25</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6176, para. 315; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 732, para. 106.

<sup>26</sup> 47 CFR § 54.804(c)(2); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 732, para. 107.

<sup>27</sup> 47 CFR § 54.804(b)(2)(iv); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6167-74, paras. 301-11; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 726, para. 90



Further educational materials regarding this requirement will also be made available on the Auction 904 website, [www.fcc.gov/auction/904](http://www.fcc.gov/auction/904).

- The professional engineer must certify that he or she has reviewed each state network diagram and that the network is capable of delivering, to at least 95% of the required number of locations in each relevant state, voice and broadband service that meets the requisite performance requirements.<sup>28</sup> For purposes of this requirement, while it is not necessary that the professional engineer certifying the network diagram have a Professional Engineer license, the certification should describe the professional engineer's qualifications such that the certifier's network design and performance expertise is apparent.
- Wireless coverage maps should be submitted in ESRI Shapefile format. The component files (including the .SHP, .SHX, .DBF, and .PRJ files) should be uploaded in a single compressed .ZIP archive. Recommended standards and data fields will be made available on the Auction 904 website, [www.fcc.gov/auction/904](http://www.fcc.gov/auction/904). Long-form applicants will see an error message when they upload the .ZIP archive to the long-form application, but the error will not prevent long-form applicants from submitting their applications provided that the submission occurs prior to the deadline and Commission staff should still be able to access the file. Commission staff will contact a long-form applicant after the filing deadline if there are any issues with the file. The FCC Form 683 attachment size limit is 10 MB.
- **Information due prior to 6:00 p.m. ET on Monday, June 7, 2021:**
  - **Documentation of high-cost ETC designation(s)** in all areas where the applicant will receive support, as described in paragraphs 316-317 of the *Auction 904 Procedures Public Notice*.<sup>29</sup> An applicant should also upload a .csv file of the census blocks that are covered by the ETC designation order.
  - **ETC certification letter(s)** from an officer of the applicant certifying that the long-form applicant's ETC designation(s) covers all the areas where the applicant will receive support.<sup>30</sup>
  - If not provided with the FCC Form 183 short-form application by the long-form applicant or a related entity,<sup>31</sup> **financial statements from the prior fiscal year (i.e., 2019) that have been audited by an independent certified public accountant**, including the balance sheets, statements of net income and cash flow, along with an opinion letter from an independent certified public accountant and the accompanying notes.<sup>32</sup> An applicant

<sup>28</sup> 47 CFR § 54.804(b)(2)(iv); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6167, para. 301; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 726, para. 90. Note that all performance requirements for broadband and voice services have to be met at peak periods. See *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509, 6517-21, paras. 22-33 (WCB/WTB/OET 2018) (*CAF Performance Measures Order*); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109, 10116-10118, paras. 20-23 (2019) (*CAF Performance Measures Second Reconsideration Order*).

<sup>29</sup> 47 CFR § 54.804(b)(5); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6176, paras. 316-17; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 727-28, para. 92.

<sup>30</sup> 47 CFR § 54.804(b)(5); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6176, para. 316; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 727-28, para. 92.

<sup>31</sup> In this context, a related entity means the long-form applicant's parent/holding company or, if the long-form applicant is a member of a consortium or joint venture, the member of the consortium or joint venture that submitted financial statements with the short-form application.

can also submit fiscal year-end 2020 audited financial statements instead if they are available.

- The applicant must submit the audited financial statements of the entity that submitted its unaudited financial statements in the relevant FCC Form 183 short-form application or its own audited financial statements.<sup>33</sup>
- Any applicant that fails to submit the audited financial statements as required by this deadline will be subject to a base forfeiture of \$50,000, which will be subject to adjustment upward or downward as appropriate based on criteria set forth in the Commission's forfeiture guidelines.<sup>34</sup>

18. Timely submitted applications will be reviewed by Commission staff for completeness and compliance with the Commission's rules and to determine if the long-form applicant has demonstrated that it is technically and financially qualified to fulfill its Rural Digital Opportunity Fund public interest obligations if authorized to receive support. Commission staff will notify a long-form applicant if additional information is required. We expect long-form applicants to expeditiously complete their applications and respond in a timely manner to staff requests for additional or missing information.<sup>35</sup> If the application and the information with respect to each winning bid in a particular state is complete and the long-form applicant has demonstrated that it is technically and financially qualified, WCB will release a public notice identifying the applicant and the winning bids for which the Commission is ready to authorize Rural Digital Opportunity Fund support.<sup>36</sup> If a long-form applicant ultimately fails to provide all the required information or demonstrate that it is technically and financially qualified, WCB will release a public notice identifying the applicant and the winning bids that are considered in default.<sup>37</sup>

- The applicant will have 10 business days from the release of the public notice indicating that the Commission is ready to authorize support to submit:
  - **Irrevocable standby letter of credit** for each state where the long-form applicant will be authorized to receive support. Long-form applicants should carefully review the letter of

(Continued from previous page)

<sup>32</sup> 47 CFR § 54.804(b)(4); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6177, para. 318; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 722, para. 80.

<sup>33</sup> Accordingly, if the long-form applicant is a member of a consortium, it should submit the audited financial statements of the consortium member that submitted its unaudited financial statements in FCC Form 183. If the long-form applicant is an operating company of a holding company that filed an FCC Form 183 on behalf of the long-form applicant, the long-form applicant should submit the audited financial statements of the holding company. A long-form applicant also has the option of submitting its own audited financial statements instead.

<sup>34</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6177, para. 318; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 722, para. 80; 47 U.S.C. § 503(b)(2)(B); 47 CFR § 1.80(b)(8), note to paragraph (b)(8).

<sup>35</sup> See 47 CFR § 1.21004(b) ("The Commission may dismiss a winning bidder's application with prejudice for failure of the winning bidder to prosecute, failure of the winning bidder to respond substantially within the time period specified in official correspondence or requests for additional information, or failure of the winning bidder to comply with requirements for becoming authorized to receive support. A winning bidder whose application is dismissed for failure to prosecute pursuant to this paragraph has defaulted on its bid(s)."); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 696, para. 22 (noting "the Commission will apply as appropriate any modifications to [the general competitive bidding rules] that it may adopt").

<sup>36</sup> 47 CFR § 54.804(b)(6)(v).

<sup>37</sup> A long-form applicant that defaults on a winning bid in a state may still be authorized to receive support for its remaining winning bids in that state.

credit requirements in section 54.804(c) of the Commission's rules and in the *Rural Digital Opportunity Fund Auction Order*,<sup>38</sup> which are summarized below:

- The initial letter of credit must cover the first year of support for the state, at a minimum.<sup>39</sup>
- The letter(s) of credit must be issued in substantially the same form as set forth in the model letter of credit provided in Appendix C of the *Rural Digital Opportunity Fund Order*.<sup>40</sup>
- The long-form applicant must be the entity that is named in the letter(s) of credit.<sup>41</sup>
- The letter(s) of credit must be issued by a qualified bank. The issuing bank eligibility requirements are described in section 54.804(c)(2) of the Commission's rules and in paragraph 107 of the *Rural Digital Opportunity Fund Order*.<sup>42</sup>
- Before a support recipient can receive its next year's support and each year's support thereafter, it must modify, renew, or obtain a new letter of credit to ensure that its value is consistent with the Commission's rules. The value of the letter of credit must increase each year until it has been verified that the support recipient has met certain service milestones as described in more detail in section 54.804(c)(1) of the Commission's rules.<sup>43</sup>
- The letter of credit must remain open until the support recipient has certified that it offers the required service to 100% of the Connect America Cost Model (CAM)-determined location total in the state by the end of year six (or WCB's adjusted CAM location count if there are fewer locations) and the Universal Service Administrative Company (USAC) has verified that the build out obligation has been fulfilled.<sup>44</sup>
- A list of common letter of credit errors is available at <https://www.fcc.gov/file/18256/download>.

<sup>38</sup> 47 CFR § 54.804(c); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 729-35, 773-77, paras. 96-113, Appx. C.

<sup>39</sup> 47 CFR § 54.804(c)(1); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 732, para. 107.

<sup>40</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 773-77, Appx. C.

<sup>41</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6164, para. 291.

<sup>42</sup> 47 CFR § 54.804(c)(2); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 732-33, para. 107. WCB also issued guidance announcing that a non-U.S. bank that has a branch office located in New York City and that will accept a letter of credit draw certificate from USAC via overnight courier, in addition to in-person presentations, will be considered qualified to issue letters of credit if the bank also meets the Commission's other non-U.S. bank eligibility requirements. *Wireline Competition Bureau Provides Guidance Regarding the Eligibility of Non-United States Banks Issuing Letters of Credit for Universal Service Competitive Bidding Mechanisms*, WC Docket No. 19-126 et al., Public Notice, 35 FCC Rcd 2804 (WCB 2020).

<sup>43</sup> 47 CFR § 54.804(c)(1)(i)-(vii); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 729-31, paras. 98-104.

<sup>44</sup> 47 CFR § 54.804(c)(1); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 731, para. 103. See also *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 709-12, paras. 45-55 (describing the service milestones and WCB's recalculation of location totals). More information about USAC's verification process is available at: <https://www.usac.org/high-cost/resources/fund-verification-reviews/>.

- **Letter of Credit Bankruptcy Opinion Letter(s)** from outside legal counsel regarding the treatment of the letter(s) of credit or its proceeds in a bankruptcy proceeding.<sup>45</sup> The letter must clearly state, subject only to customary assumptions, limitations, and qualifications, that, in a proceeding under the Bankruptcy Code, the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the long-form applicant's bankruptcy estate, or the bankruptcy estate of any other bidder-related entity requesting issuance of the letter of credit, under section 541 of the Bankruptcy Code.<sup>46</sup>

19. Once Commission staff has determined that a long-form application is complete and the long-form applicant is financially and technically qualified, and the letter(s) of credit and accompanying opinion letter(s) have been received and approved, WCB will issue a public notice announcing the authorization of support for the winning bid(s) and directing USAC to begin disbursing support.<sup>47</sup> USAC will issue a new study area code to each long-form applicant for each state in which it is authorized to receive support. Long-form applicants will be notified of the new study area code prior to the authorization for support along with procedures for disbursing support. Monthly support disbursements will begin shortly after the authorization public notice has been released.

20. If an applicant is not authorized to receive support for a winning bid, it will be in default and subject to forfeiture for that winning bid as described below.

## 2. Forfeiture in the Event of Default

21. As described in the *Rural Digital Opportunity Fund Order*,<sup>48</sup> winning bidders or long-form applicants that have been assigned winning bids during the Divide Winning Bids stage will be subject to a forfeiture in the event of a default. A winning bidder or long-form applicant will be considered in default and will be subject to forfeiture if it fails to timely file a long-form application, fails to meet the document submission deadlines, is found ineligible or unqualified to receive Rural Digital Opportunity Fund support, and/or otherwise defaults on its winning bids or is disqualified for any reason prior to the authorization of support. Any such determination shall be final, and a winning bidder or long-form applicant shall have no opportunity to cure through additional submissions, negotiations, or otherwise.

22. A winning bidder or long-form applicant that defaults will be subject to a base forfeiture per violation of \$3,000.<sup>49</sup> A violation is defined as any form of default with respect to the census block group. In other words, there shall be separate violations for each census block group assigned in a bid.<sup>50</sup> So that this base forfeiture amount is not disproportionate to the amount of a winning bidder's bid, the Commission has limited the total base forfeiture to 15% of the bidder's total assigned support for the bid for the support term.<sup>51</sup> Notwithstanding this limitation, the total base forfeiture will also be subject to

<sup>45</sup> 47 CFR § 54.804(c)(3); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6177-78, para. 320; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, para. 113.

<sup>46</sup> 11 U.S.C. § 541; 47 CFR § 54.804(c)(3); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, para. 113.

<sup>47</sup> 47 CFR § 54.804(b)(6)(vi).

<sup>48</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, paras. 114-17; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, paras. 321-22.

<sup>49</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 322.

<sup>50</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, para. 115; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 322.

<sup>51</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 322. This would occur in situations where the dollar amount associated with the bid is low. For example, assume Bidder A bids to serve 100 census block groups for \$100,000 over the support term. We (continued....)

adjustment upward or downward based on the criteria set forth in the Commission's forfeiture guidelines.<sup>52</sup>

### C. General FCC Form 683 Information

23. For both the Divide Winning Bids and long-form application portions of FCC Form 683, the application may be filed at any time after the relevant filing window opens until the filing window closes. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. Applications can be updated or amended multiple times until the relevant filing window closes.

24. **A winning bidder and/or long-form applicant must always click on the CERTIFY & SUBMIT button on the "Certify & Submit" screen to successfully submit its FCC Form 683 and any modifications; otherwise, the application or changes to the application will not be received or reviewed by Commission staff.** If a winning bidder or long-form applicant needs guidance or encounters technical difficulties in filing FCC Form 683, it may contact FCC Auctions Technical Support using the information in the Contact section, below.

### D. Maintaining Accuracy of Information

25. Each long-form applicant must make all changes to its information in the Auction Application System using FCC Form 683. With the release of this Public Notice, long-form applicants are no longer required to maintain the accuracy and completeness of information furnished in their FCC Form 183 applications.

26. A long-form applicant will be permitted to make minor modifications to its application after the deadline for submitting applications.<sup>53</sup> Minor modifications include correcting typographical errors and supplying non-material information that was inadvertently omitted or not available at the time the application was submitted.<sup>54</sup> If a long-form applicant makes a major modification to its application, the application will be denied.<sup>55</sup> In such an event, the long-form applicant will be subject to forfeiture. Major modifications include, but are not limited to, any changes in the ownership of the long-form applicant that constitute an assignment or transfer of control, any changes in the identity of the long-form applicant, or any changes in the required certifications.<sup>56</sup>

### E. Public Availability of FCC Form 683 Information

27. Information submitted in FCC Form 683 will generally be publicly available after Commission staff completes its review. Accordingly, a long-form applicant should take care not to include any unnecessary sensitive information, such as Taxpayer Identification Numbers or Social Security Numbers, in its application. However, consistent with the Commission's limited information procedures in place for Auction 904, certain information will be withheld from routine public inspection even after support is authorized. **To ensure that the information described below is afforded such**

(Continued from previous page)

would impose a base forfeiture of \$15,000 (15% of \$100,000) because otherwise the base forfeiture would be \$300,000, three times the entire bid amount (\$3,000 x 100 census block groups). In contrast, if Bidder B bids to serve 50 census block groups for \$1,000,000 over the support term, we would impose a base forfeiture of \$150,000 (\$3,000 x 50 census block groups), which is 15% of the total bid.

<sup>52</sup> See 47 U.S.C. § 503(b)(2)(B); 47 CFR § 1.80(b)(8), note to paragraph (b)(8); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 115; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 322.

<sup>53</sup> 47 CFR § 54.804(b)(6)(iii).

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* § 54.804(b)(6)(iv).

<sup>56</sup> *Id.*

**confidential treatment, a long-form applicant must upload the information to FCC Form 683 using the appropriate attachment “type” as described in the instructions in Attachment C.**

28. Information related to a long-form applicant’s detailed technology and system design description, its project funding description, and its letter of credit will be treated as confidential and will be withheld from public inspection.<sup>57</sup> The Commission will treat long-form applicants that submit this information as having made a request to treat this information as confidential trade secrets and/or commercial information. As such, a long-form applicant need not submit a separate section 0.459 confidentiality request for this information with its FCC Form 683.

29. Moreover, a long-form applicant may request confidential treatment of its audited financial statements directly on FCC Form 683, using an abbreviated process under section 0.459(a)(4) of the Commission’s rules. The applicant need not submit a separate section 0.459 confidentiality request with its FCC Form 683.<sup>58</sup>

30. Nevertheless, if a request for public inspection under section 0.461 is made for the long-form applicant’s audited financial statements, detailed technology and system design description, project funding description, or letter of credit, the long-form applicant will be notified and then must justify the continued confidential treatment of the information if it objects to the disclosure.<sup>59</sup>

31. A long-form applicant may include with its FCC Form 683 a request that any other information submitted in its application not be made routinely available for public inspection following the procedures set forth in section 0.459 of the Commission’s rules.<sup>60</sup> Requests for confidential treatment of information other than that discussed above will not be routinely granted.

#### **IV. OTHER IMPORTANT INFORMATION**

##### **A. Maintaining Prohibition on Certain Communications**

32. Section 1.21002 of the Commission’s rules provides that, subject to specified exceptions, after the deadline for filing a short-form application, an applicant “is prohibited from communicating with any other applicant in any manner the substance of its own, or one another’s, or any competing applicant’s bids or bidding strategies, until after the post-auction deadline for winning bidders to submit applications for support.”<sup>61</sup> As explained more fully in the *Auction 904 Procedures Public Notice*, this prohibition took effect as of the short-form application filing deadline, i.e., July 15, 2020, at 6:00 p.m. ET, and extends until the deadline for filing the long-form application portion of FCC Form 683, i.e., January 29, 2021, at 6:00 p.m. ET.<sup>62</sup>

<sup>57</sup> *Id.* § 0.459; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6130, 6168, 6175, paras. 141 n.325, 303 n.516, & 314 n.542. A long-form applicant’s high-level initial project overview will be made publicly available. *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6167, para. 302. For the Connect America Phase II auction, a winning bidder’s letter of credit from a qualified bank was treated as confidential trade secrets and/or commercial information and thus withheld from routine public inspection. *See Connect America Fund Phase II Auction Support for 962 Winning Bids Ready to Be Authorized; Listed Auction 903 Long-Form Applicants Must Submit Letters of Credit and Legal Counsel’s Opinion Letters by March 13, 2019*, AU Docket No. 17-182 et al., Public Notice, 34 FCC Rcd 955, 956 (WCB/OEA 2019). For the same reasons, we will withhold an applicant’s letter of credit commitment letter, letter of credit, and bankruptcy opinion letter.

<sup>58</sup> 47 CFR § 0.459(a)(4).

<sup>59</sup> *Id.* § 0.461

<sup>60</sup> *Id.* § 0.459.

<sup>61</sup> *Id.* § 1.21002(b).

<sup>62</sup> *See Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6132, para. 151.

33. **This prohibition applies to all short-form applicants regardless of whether such applicants became qualified bidders or actually bid.**<sup>63</sup> We also emphasize that, for purposes of this prohibition, an “applicant” includes the entity filing the application, each entity capable of controlling the applicant, and each entity that may be controlled by the applicant or by an entity capable of controlling the applicant.<sup>64</sup>

34. With the release of this Public Notice, the Commission has made public auction-related information which previously would have been subject to the prohibition on certain communications.<sup>65</sup> Parties are reminded, however, that “bids or bidding strategies” encompasses more than information about bids submitted during the bidding portion of the auction. How an applicant participates in an auction is subject to the prohibition and includes, for example, a winning bidder filing a long-form application for support.<sup>66</sup> As noted in the *Auction 904 Procedures Public Notice*, information within the scope of the prohibition includes “subject matters that could convey cost or geographic information related to bidding strategies. Such subject areas include, but are not limited to, management, sales, local marketing agreements, and other transactional agreements.”<sup>67</sup> We note that proxy bid instructions, which may reflect such information, remain non-public.

35. Moreover, the prohibition of “communicating in any manner” includes public disclosures, private communications, and indirect or implicit communications, as well as express statements of bids and bidding strategies.<sup>68</sup> Consequently, an applicant must take care to determine whether its auction-related communications may reach another applicant.

#### **B. High-Cost Eligible Telecommunications Carrier Designations**

36. As noted above, by Monday, June 7, 2021, the long-form applicant must have obtained from either the relevant state authority or, where such authority lacks jurisdiction, from the Commission, a high-cost ETC designation(s) that covers its winning bid areas. The long-form applicant must submit for each state the required documentation and a certification letter from an officer.<sup>69</sup> Long-form

<sup>63</sup> An entity that submits an application becomes an “applicant” under the rule at the application filing deadline and that status does not change based on subsequent developments. *See, e.g., Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008) (section 1.2105(c) applies to applicants regardless of whether they are qualified to bid). Thus, an auction applicant that does not correct deficiencies in its application, or does not otherwise become qualified, remains an “applicant” for purposes of the rule and remains subject to the prohibition on certain communications until the long-form application filing deadline.

<sup>64</sup> 47 CFR § 1.21002(a).

<sup>65</sup> In addition, the combination of publicly available short-form application information and bidding information made available today effectively makes public the information that can be derived from such sources, including the potential assignee(s) of each winning bid. Accordingly, we clarify that the prohibition does not apply to information about the selection of assignees for winning bids in the Divide Winning Bids process.

<sup>66</sup> 47 CFR § 1.21004; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6133, para. 155 (“communicating, among other things, how an applicant will participate . . . would convey bids or bidding strategies and would thus be prohibited”).

<sup>67</sup> *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6133, para. 156.

<sup>68</sup> *Id.*; *see generally Updating Part 1 Competitive Bidding Rules*, WT Docket No. 14-170 et al., Report and Order et al., 30 FCC Rcd 7493, 7577, para. 199 (2015) (explaining that similar section 1.2105(c) language prohibiting communicating bids or bidding strategies “in any manner” bars “communicating bids or bidding information, either directly or indirectly”); *Cascade Access, L.L.C.*, Forfeiture Order, 28 FCC Rcd 141, 144, para. 7 (EB 2013) (rejecting argument that the communication was not prohibited because it did not reveal the “substance” of Cascade’s bids or bidding strategies).

<sup>69</sup> 47 CFR § 54.804(b)(5); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6176, para. 316.

applicants subject to state jurisdiction must petition the relevant state commissions for ETC designation and should follow state rules and requirements to apply for designation(s).<sup>70</sup> Long-form applicants not subject to state jurisdiction must petition the Commission for designation(s) as described in the *ETC Public Notice*.<sup>71</sup> Petitioners for FCC designation do not need to include a list of census blocks with their ETC petition but should certify they will serve all blocks for which the long-form applicant has or will seek an award of support in that state.<sup>72</sup>

37. In the event a long-form applicant determines that it will be unable to obtain the necessary ETC designations within 180 days, it should upload a petition for waiver of the deadline to its FCC Form 683 and in AU Docket No. 20-34. The Commission has found that it would be appropriate to waive the 180-day timeframe if the long-form applicant is able to demonstrate that it has engaged in good faith efforts to obtain an ETC designation, but the proceeding is not yet complete.<sup>73</sup> A waiver of the 180-day deadline would be appropriate if, for example, the applicant (or an associated entity) has an ETC application pending with a state and the state's next scheduled meeting at which it would consider the ETC application will occur after the 180-day window. When considering waivers of the 180-day deadline for obtaining ETC designation, we will presume that an entity acted in good faith if the entity files its ETC application within 30 days of the release of this Public Notice.<sup>74</sup>

### C. Public Interest Obligations and Annual Reporting Requirements

38. To ensure that Rural Digital Opportunity Fund support meets the Commission's public interest objectives, a long-form applicant that has received notice from the Commission that it is authorized to receive Rural Digital Opportunity Fund support will be subject to a variety of obligations, including service requirements, service milestones, reporting, and record retention requirements.<sup>75</sup> This includes the requirement that support recipients test and certify compliance with the relevant performance requirements in accordance with the uniform framework that has been adopted for measuring and reporting on the performance of high-cost support recipients' service.<sup>76</sup>

<sup>70</sup> 47 U.S.C. § 214(e)(2).

<sup>71</sup> *Id.* at § 214(e)(6); *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, WC Docket No. 09-197 et al., 33 FCC Rcd 6696 (WCB 2018) (*ETC Public Notice*). As described in this public notice, the Commission places the burden of proof upon the petitioner seeking a Commission ETC designation to demonstrate that the Commission has jurisdiction. *Id.* at 6696-97. We extend to Auction 904 winners the same waivers of section 54.202 of the Commission's rules for the reasons described in the *ETC Public Notice* and the same presumption that designation will serve the public interest. *See id.* at 6699-6700; 47 CFR § 54.202.

<sup>72</sup> Petitioners may, in addition to seeking a high-cost designation in winning bid areas, seek a Lifeline-only ETC designation in areas not eligible for high-cost support for the limited purpose of becoming eligible to receive only Lifeline support in such areas. When doing so, they must submit with their ETC application a map or other information delineating these Lifeline-only areas, and other information specifically required by the Commission's Lifeline rules. *See, e.g., Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 09-197 & 10-90, Order, 34 FCC Rcd 10533 (WCB 2019); 47 CFR § 54.202(a)(4)-(6).

<sup>73</sup> *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 723, para. 81.

<sup>74</sup> *Id.*

<sup>75</sup> *See, e.g.,* 47 CFR §§ 54.313, 54.314, 54.316, 54.320, 54.802, 54.805, 54.806; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6082-86, 6127-29, paras. 15-21, 135-39 (providing a high-level summary of the relevant public interest obligations and high-cost ETC obligations).

<sup>76</sup> 47 CFR § 54.313(a)(6). *See also, CAF Performance Measures Order*, 33 FCC Rcd 6509. Further modifications were made to the performance measures requirements in subsequent reconsideration orders. *See Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 8081 (WCB/WTB/OET 2019) (*CAF Performance Measures First Reconsideration Order*); *CAF Performance Measures Second Reconsideration Order*, 34 FCC Rcd 10109.



39. An Auction 904 support recipient will be subject to non-compliance measures if it fails or is unable to meet the service milestones or other service requirements, or fails to fulfill any other term or condition of Rural Digital Opportunity Fund support.<sup>77</sup> As described in the *Rural Digital Opportunity Fund Order* and the *CAF Performance Measures Order*, these measures will scale with the extent of non-compliance, and include additional reporting, withholding of support, support recovery, and drawing on the support recipient's letter of credit if the support recipient cannot pay back the relevant support by the applicable deadline.<sup>78</sup> A support recipient may also be subject to other sanctions for non-compliance with the terms and conditions of Rural Digital Opportunity Fund support, including, but not limited to, the Commission's existing enforcement procedures and penalties, reductions in support amounts, potential revocation of ETC designations, and suspension or debarment.<sup>79</sup>

40. We also remind applicants that all Auction 904 support recipients will be subject to the Commission's National Security Supply Chain proceeding, including the rule that "no universal service support may be used to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced or provided by any company posing a national security threat to the integrity of communications networks or the communications supply chain."<sup>80</sup> The prohibition on using universal service funds applies "to upgrades and maintenance of existing equipment and services."<sup>81</sup>

#### **D. Access to the Bidding System**

41. The bidding system will remain accessible to Auction 904 qualified bidders until 3:00 p.m. ET on Thursday, December 10, 2020. Bidders should download any files they wish to save from the bidding system before that time.

#### **E. Return of SecurID® Tokens**

42. The SecurID® tokens distributed to qualified bidders are tailored to Auction 904 and will not function in future auctions. The Commission will send each bidder, along with the copy of this Public Notice, a pre-addressed, stamped envelope to return its SecurID® tokens. Each bidder should return its SecurID® token(s) to the Commission for recycling.

#### **F. Contact Information**

43. For further information, contact:

#### **Technical Support**

Electronic Filing  
Auction Application System and CAF II Bidding  
System (Hardware/Software Issues)

#### **FCC Auctions Technical Support Hotline**

(877) 480-3201, option nine; or (202) 414-1250  
(202) 414-1255 (TTY)  
Hours of service: 8:00 a.m. – 6:00 p.m. ET,  
Monday through Friday

#### **Press Information**

Anne Veigle, (202) 418-0500

<sup>77</sup> 47 CFR §§ 54.804(c)(4), 54.320, 54.806.

<sup>78</sup> *Id.* §§ 54.804(c)(4), 54.320, 54.806; *CAF Performance Measures Order*, 33 FCC Rcd at 6531-33, paras. 60-67; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 713-16, paras. 58-64.

<sup>79</sup> 47 CFR § 54.320(c), 54.806(b); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 716, para. 63.

<sup>80</sup> 47 CFR § 54.9(a).

<sup>81</sup> *Protecting Against National Security Threats to the Communication Supply Chain through FCC Programs et al.*, WC Docket No. 18-89 et al., Report and Order et al., 34 FCC Rcd 11423, 11453, para. 77 (2019).

**General Universal Service Information****Wireline Competition Bureau,  
Telecommunications Access Policy Division**

Alex Minard  
Heidi Lankau  
Lauren Garry  
Ian Forbes  
(202) 418-7400

**General Auction Information**

General Auction Questions  
Auction Process and Procedures

**FCC Auctions Hotline**

(888) 225-5322, option two; or  
(717) 338-2868

**Auction 904 Information**

Post-Auction Rules, Policies, and Regulations

**Rural Broadband Auctions Task Force**

Michael Janson, (202) 418-0627  
Kirk Burgee, (202) 418-1599  
Jonathan McCormack, (202) 418-1065  
Audra Hale-Maddox, (202) 418-0794

**Office of Economics and Analytics  
Auctions Division**

Mark Montano  
Daniel Habif  
(202) 418-0660

**Small Businesses**

Additional information for small and  
disadvantaged businesses

**Office of Communications Business  
Opportunities**

(202) 418-0990  
[www.fcc.gov/ocbo](http://www.fcc.gov/ocbo)

**Accessible Formats**

Braille, large print, electronic files, or  
audio format for people with disabilities

**Consumer and Governmental Affairs Bureau**

(202) 418-0530 or (202) 418-0432 (TTY)  
[fcc504@fcc.gov](mailto:fcc504@fcc.gov)

**FCC Internet Sites**

[www.fcc.gov](http://www.fcc.gov)  
[www.fcc.gov/auction/904](http://www.fcc.gov/auction/904)

- FCC -

## Attachment A



## FCC Rural Digital Opportunity Fund Phase I Auction

Auction ID: 904

## Winning Bidder Summary

(Sorted by Bidder Name)

Date of Report: 12/07/2020 08:17 AM ET

Bidder	FRN	State	Assigned Support over 10 Years	Number of Locations Assigned
SLIC Network Solutions, Inc.	0011412129	New York	\$ 978,722.00	3,660
Socket Telecom, LLC	0008515595	Missouri	\$ 232,768.80	393
Somerset Telephone Co., Inc.	0002720977	Wisconsin	\$ 669,564.00	1,208
South Arkansas Telephone Company	0001730142	Arkansas	\$ 11,387,245.50	5,093
Space Exploration Technologies Corp.	0026043968	Alabama	\$ 54,680,526.60	36,554
Space Exploration Technologies Corp.	0026043968	Arkansas	\$ 12,383,305.50	17,725
Space Exploration Technologies Corp.	0026043968	California	\$ 5,746,960.80	6,297
Space Exploration Technologies Corp.	0026043968	Colorado	\$ 39,752,936.50	19,176
Space Exploration Technologies Corp.	0026043968	Connecticut	\$ 3,890,305.00	2,819
Space Exploration Technologies Corp.	0026043968	Florida	\$ 33,630,822.60	34,757
Space Exploration Technologies Corp.	0026043968	Georgia	\$ 27,614,882.00	22,961
Space Exploration Technologies Corp.	0026043968	Hawaii	\$ 427,200.00	32
Space Exploration Technologies Corp.	0026043968	Idaho	\$ 54,543,468.90	26,717
Space Exploration Technologies Corp.	0026043968	Illinois	\$ 8,325,104.00	12,478
Space Exploration Technologies Corp.	0026043968	Kentucky	\$ 8,483,592.90	6,696
Space Exploration Technologies Corp.	0026043968	Louisiana	\$ 26,558,634.90	29,171
Space Exploration Technologies Corp.	0026043968	Maine	\$ 34,057,837.30	13,849
Space Exploration Technologies Corp.	0026043968	Maryland	\$ 4,060,771.30	5,413



# FCC Rural Digital Opportunity Fund Phase I Auction

Auction ID: 904

## Winning Bidder Summary

(Sorted by Bidder Name)

Date of Report: 12/07/2020 08:17 AM ET

Bidder	FRN	State	Assigned Support over 10 Years	Number of Locations Assigned
Space Exploration Technologies Corp.	0026043968	Massachusetts	\$ 10,992,153.70	11,136
Space Exploration Technologies Corp.	0026043968	Michigan	\$ 9,852,045.00	8,079
Space Exploration Technologies Corp.	0026043968	Minnesota	\$ 8,424,807.60	7,529
Space Exploration Technologies Corp.	0026043968	Mississippi	\$ 44,019,661.30	38,956
Space Exploration Technologies Corp.	0026043968	Montana	\$ 72,723,246.20	29,478
Space Exploration Technologies Corp.	0026043968	Nevada	\$ 3,858,555.70	2,976
Space Exploration Technologies Corp.	0026043968	New Hampshire	\$ 8,871,460.00	4,389
Space Exploration Technologies Corp.	0026043968	New Jersey	\$ 10,739,474.00	8,686
Space Exploration Technologies Corp.	0026043968	New Mexico	\$ 25,635,954.90	19,721
Space Exploration Technologies Corp.	0026043968	New York	\$ 20,909,624.30	13,729
Space Exploration Technologies Corp.	0026043968	North Carolina	\$ 17,422,993.10	19,552
Space Exploration Technologies Corp.	0026043968	Oregon	\$ 57,897,559.60	35,653
Space Exploration Technologies Corp.	0026043968	Pennsylvania	\$ 63,065,275.00	59,200
Space Exploration Technologies Corp.	0026043968	South Carolina	\$ 6,163,912.70	4,287
Space Exploration Technologies Corp.	0026043968	Tennessee	\$ 12,361,515.80	11,306
Space Exploration Technologies Corp.	0026043968	Utah	\$ 20,961,877.00	8,630
Space Exploration Technologies Corp.	0026043968	Vermont	\$ 3,908,075.00	2,247
Space Exploration Technologies Corp.	0026043968	Virginia	\$ 62,390,792.80	53,640



# FCC Rural Digital Opportunity Fund Phase I Auction

Auction ID: 904

## Winning Bidder Summary

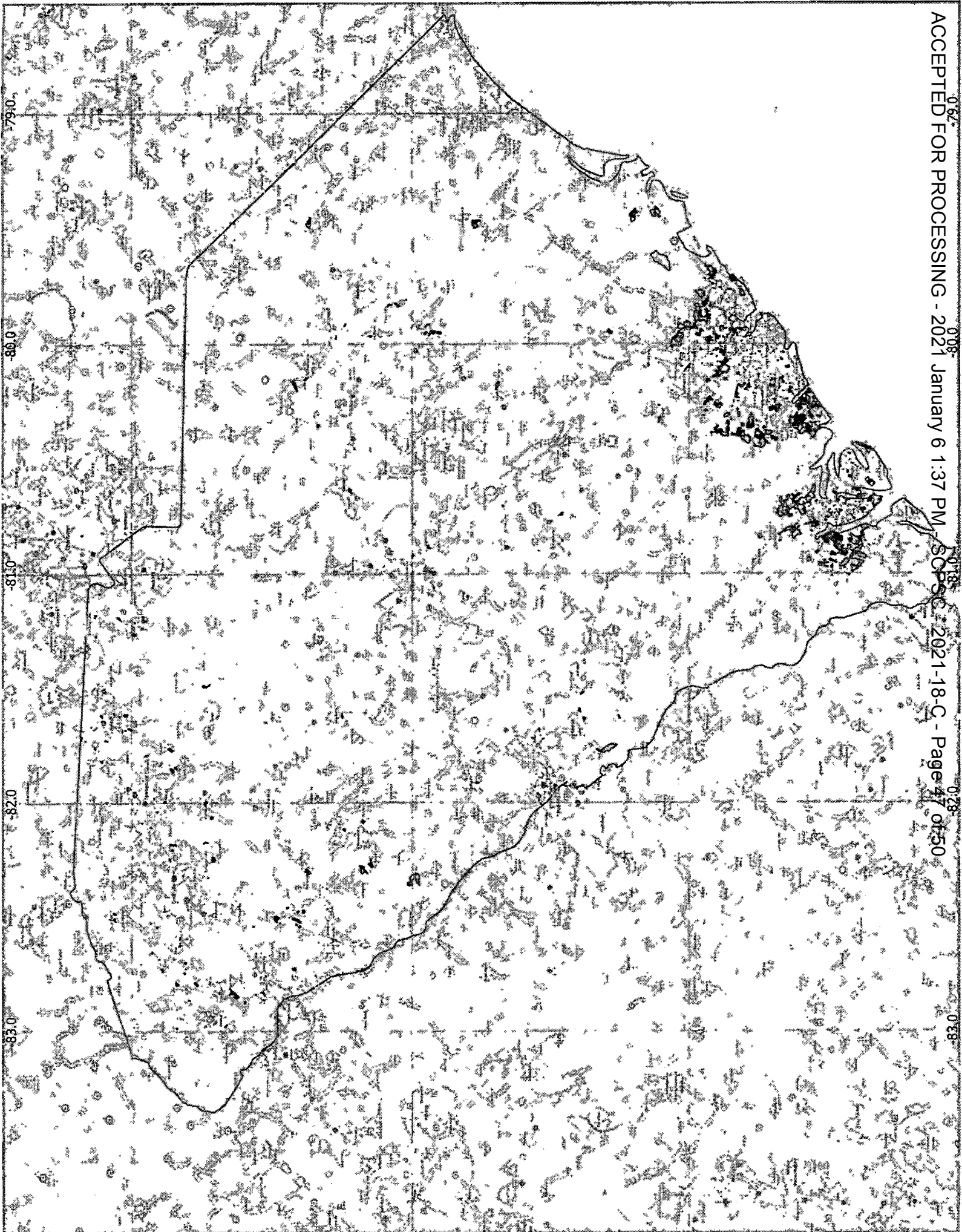
(Sorted by Bidder Name)

Date of Report: 12/07/2020 08:17 AM ET

Bidder	FRN	State	Assigned Support over 10 Years	Number of Locations Assigned
Space Exploration Technologies Corp.	0026043968	Washington	\$ 80,379,119.90	52,086
Space Exploration Technologies Corp.	0026043968	West Virginia	\$ 13,822,221.30	9,337
Space Exploration Technologies Corp.	0026043968	Wyoming	\$ 16,952,965.20	7,663
St Paul Cooperative Telephone Association	0004979555	Oregon	\$ 190,908.00	39
St. John Telco	0004528410	Washington	\$ 7,116,876.00	1,057
Talkie Communications, Inc.	0024272841	Delaware	\$ 13,300,968.00	7,749
Talkie Communications, Inc.	0024272841	Maryland	\$ 43,764,042.20	31,349
Taylor Telephone Coop., Inc. dba Taylor Telecom	0004924478	Texas	\$ 5,466.00	2
Tennessee Cooperative Group Consortium	0029742053	Illinois	\$ 860,082.00	268
Tennessee Cooperative Group Consortium	0029742053	Kentucky	\$ 3,253,445.10	3,957
Tennessee Cooperative Group Consortium	0029742053	Tennessee	\$ 1,867,989.80	3,400
Terral Telephone Company	0004320412	Oklahoma	\$ 716,381.20	2,299
TruVista Communications, Inc.	0003707775	Georgia	\$ 2,059,050.80	2,778
Unified Communications Inc.	0023896962	Texas	\$ 1,604.00	17
Union Telephone Company	0001630201	Wyoming	\$ 1,264,770.00	157

**Exhibit 3**

Census Block Map



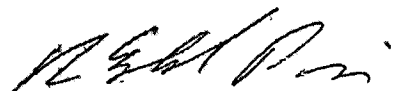
**Exhibit 4**

Certification



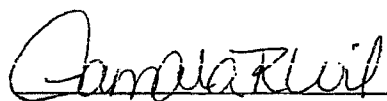
**AFFIDAVIT AND CERTIFICATION**

I, R. Edward Price, state that I am Senior Counsel for Space Exploration Technologies Corp. ("SpaceX"), parent company to Starlink Services, LLC ("Starlink Services"); that I am authorized to make this affidavit and certification on behalf of Starlink Services; that the foregoing Application of Starlink Services for Designation as an Eligible Telecommunications Carrier was prepared under my direction and supervision; and that the contents are true and correct to the best of my knowledge, information, and belief. I declare under penalty of perjury that the foregoing Affidavit and Certification is true and correct.

  
 R. Edward Price  
 Senior Counsel  
 SPACE EXPLORATION TECHNOLOGIES CORP.  
 PARENT COMPANY OF STARLINK SERVICES, LLC  
 1155 F Street, N.W.  
 Suite 475  
 Washington, DC 20004

State of New York  
 County of Monroe

Subscribed and sworn to (or affirmed) before me on this 31<sup>st</sup> day of December,  
 2020, by R. Edward Price, who proved to me on the basis of  
 satisfactory evidence to be the person(s) who appeared before me.

  
 Signature of Notary Public

Tamara R. Wilsey  
 Notary Public, State of N.Y. Wayne Co.  
 My Commission Expires July 26, 2022  
 01WI6225587

